

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 3109
)	
MARK A. SUNDELL, D.O.)	
)	FINDINGS OF FACT, CONCLUSIONS
Holder of License No. 3290 for the)	OF LAW AND ORDER
practice of osteopathic medicine in the)	
State of Arizona.)	
_____)	

INTRODUCTION

1. On May 7, 2005, the Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Board") held an investigative interview regarding Mark A. Sundell, D.O. (hereinafter "Respondent") of a complaint made against his license. This matter had been continued from the previous Board meeting of January 22, 2005.

2. Respondent appeared before the Board without legal counsel for the investigative interview pursuant to the authority vested in the Board by A.R.S. § 32-1855 (B).

JURISDICTIONAL STATEMENTS

3. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.

4. Respondent holds license No. 3290 to practice osteopathic medicine in Arizona.

FINDINGS OF FACT

5. The Board opened complaint No. 3109 after receiving notification that on August 9, 2002 the Wyoming Board of Medicine disciplined Respondent's license by entering into a Consent Decree. Among the various terms of this five (5) year probation were:

A. Dr. Sundell agreed to an assessment at his own expense by the Center for

Personalized Education for Physicians (CPEP) located in Colorado;

B. Initial assessment was to take place within six months of the effective of the Consent Decree;

C. A review of the Assessment Report prepared by CPEP would be conducted by the Wyoming Board after receipt and a determination if any additional training or education would be required; and

D. Dr. Sundell would provide copies of all peer reviews completed since 1995 and on an ongoing basis.

6. On April 9, 2003, the Wyoming Medical Board executed an Amended Consent Decree in which Dr. Sundell agreed to voluntarily surrender his Wyoming license to practice medicine.

7. On or between July 20, 2000 and July 27, 2001 at least one (1) and possibly multiple MRI and CT scans and X-rays were not correctly read and interpreted.

CONCLUSIONS OF LAW

8. The Board has the authority to enter into this order for disciplinary action against the Respondent pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

9 The conduct described in paragraphs 4 through 7 of the Findings of Fact constitutes unprofessional conduct, specifically, a violation of A.R.S. § 32-1854:

(6) Engaging in the practicing pf medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

(18) The denial of or disciplinary action against a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the person's ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section.

(38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Effective the 7th day of May, 2005, Mark Sundell, D.O. ("Respondent"), holder of Board license 3290 is placed under **PROBATION** for a period of **6 MONTHS** with the following terms and conditions:

A. Respondent shall have 30% of all radiology work product peer-reviewed for accuracy and compliance with the prevailing standard of care.

B. Respondent shall complete and submit a written report to the Board detailing the accuracy and compliance to the prevailing standard of all radiology work product as assessed by the peer review panel or doctor.

C. The monthly reports shall be submitted to Board no later than the last business day of each month for which the Probation is in force and effect.

2 Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 26th day of May, 2005.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

(Signature on File)

By: _____
Jack Confer, Executive Director

Notice of Right to Request a Rehearing

The Respondent has the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Respondent must specify in detail and with particularity at least one of the seven grounds that apply to the request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a prerequisite prior to seeking judicial review pursuant to A.R.S. § 41-1092.09.

Original "Findings of Fact, Conclusions of Law and Order" filed this 27th day of May, 2005 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale, AZ 85258-5539

Copies of the foregoing "Findings of Fact, Conclusions of Law and Order" sent certified mail, return receipt requested the 27th day of May, 2005 to:

Mark Sundell, D.O.
Box 1302
Claypool, AZ 85532

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order" sent via regular mail, this 27th day of May, 2005 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
15 S 15th Avenue
Phoenix AZ 85007